

### **REMARKS**

Claims 30-38 are pending in the application. Claims 30, 33, 35 and 37 are rejected under 35 USC 102(e) as being anticipated by Feuerstein et al. (US Patent 6,246,674). According to the Examiner, “regarding to claim 30, [sic] Feuerstein et al. disclose a method of communicating comprising the step of:

Modifying at least one antenna’s beam width (see col. 3 lines 39-64) based on received radio resource allocation (see col. 8 lines 25-50, col. 11 lines 1-20) instructions for signals to be transmitted and/or receive [sic] by the at least one antenna (se col. 1 lines 26-31).”

The Examiner further rejects claims 31-32 under 35 USC 103(a) as being unpatentable over Feuerstein et al. and further in view of Antonio et al. (US Patent 6,621, 752). The Examiner states that “regarding to claims 31-32, Feuerstein et al. disclose everything a [sic] claim 1 above. More specifically, Feuerstein et al. disclose information related to power level of the signals (see col. 10 lines 59-65).” The Examiner further states that “Feuerstein et al. fail to specifically disclose receiving information related to at least one or any combination of location in a mobile, SNR of signals conveyed between the at least one antenna and the mobile, data rate of signals.”

Applicants respectfully traverses the Examiner’s reading of Feuerstein et al. Feuerstein et al. disclose an antenna system which is able to dynamically shape sectors of a cell to address problems of interference; col. 3, lines 40-45. A sector of a cell comprises a plurality of beams which can be assigned to that sector or other sectors; col. 3, lines 58-54. For example, 12 beams each adapted to provide approximately 30° azimuthal coverage, can be used to shape a sector; col. 3, lines 51-56. Thus, the size of a sector of a cell as referenced azimuthally can be adjusted and/or shaped based on the number of 30° beams assigned to the sector; see col. 3, lines 58-64. The different beams are dynamically assigned to a sector. The specific text in Feuerstein et al. to which the Examiner refers, i.e., col. 3, lines 39-64, discuss dynamically shaping the various sectors of a cell by dynamically assigning a certain number of beams--having fixed beam widths (e.g., 30° beams)—to the sectors of the cell. In sharp contrast, applicant’s invention as

recited in independent claim 30 discloses a method for modifying a *beam width* not a sector. In Feuerstein, modifiable sectors are made up of a plurality of beams each having a fixed beam width. A sector can be made of one or more beams; the size of such a sector can be modified, but the beam width of any of the individual beams that make up the sector does not change and is not modified in Feuerstein et al. Nowhere in Feuerstein et al is the modification of a beam width discussed, implied or even remotely suggested.

Antonio et al. (U.S. Patent No. 5,621,752) discloses a system and method for adaptively sectorizing channel resources. The system adaptively controls beam patterns produced by one or more antenna arrays within a spread spectrum communication system. In particular, separate sets of beams are provided for receiving both direct and indirect (i.e., multipath) signal transmissions from the subscriber unit associated with individual system subscribers. Antonio et al. does not disclose a system that modifies beam width as recited in applicant's amended claims. Therefore, Antonio et al. by itself or in combination with Feuerstein et al. does not anticipate applicant's claimed invention.

**Request for Reconsideration pursuant to 37 CFR 1.111**

Having responded to each and every ground for objection and rejection in the Office Action mailed on September 17, 2003, applicant requests reconsideration in the instant application pursuant to 37 CFR 1.111 and requests that the Examiner allow claim(s) 30-38 and pass the application to issue. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact Applicants' counsel who can be reached at the telephone number listed below.

Respectfully,

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